

**AGENDA**  
**Interested Persons Meeting**  
**September 18, 2012 at 10:00 a.m.**  
**Fair Political Practices Commission**  
**428 J Street, Suite 800**  
**Sacramento, CA 95814 (916) 322-5660**

**Campaign Regulations on:**

- **Ballot measure identification**
  - **Sender identification on mass campaign emails**
  - **Estimating in-kind contributions on 24-hour reports**
  - **Reporting cumulative total on 24-hour independent expenditure reports**
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Staff of the Fair Political Practices Commission will be holding an interested persons meeting on the campaign regulations described below which are scheduled to be considered by the Commission at its December 13, 2012 meeting. The draft regulations will be available for review and comment at <http://www.fppc.ca.gov/index.php?id=450> prior to the interested persons meeting.

You may participate in this interested persons meeting in person, or in teleconference by calling (888) 751-0624; access code 723284. For questions about participating by phone, please contact Virginia Latteri-Lopez at (916) 322-5660. The Commission invites written comments addressing these topics. You may also contact Senior Commission Counsel Hyla P. Wagner with questions or comments at (916) 322-5660 or [hwagner@fppc.ca.gov](mailto:hwagner@fppc.ca.gov).

**1. Ballot Measure Identification -- Amend Regulation 18410.**

Prior to a ballot measure's actual qualification, it is often unclear to the public which committee is financing the petition circulation drives. People trying to track ballot measures criticize the lack of information available to determine what groups are financing a ballot measure in the early stages. Staff seeks comments on amending Regulation 18410 to require a committee that is financing a petition circulation drive to add the Attorney General's identification number of a measure on its Form 410 statement of organization. This information could be added to a committee's statement of organization, not to the committee's name, because the Attorney General's identification number is long, it is early in the process, and frequently a committee sponsoring a measure submits several different versions to the Attorney General's office to see which one receives the title and summary that the proponent group believes is advantageous. The committee name rules for ballot measure committees would stay the same, with the measure letter or number being added to the name when the measure qualifies for the ballot and the number or letter is issued.

**2. Sender Identification on Mass Campaign Emails -- Amend Regulation 18435.**

The Act's sender identification rules require a candidate or committee sending a mass mailing to put its name and address on the campaign mailer. (Section 84305.) The FPPC subcommittee report on "Internet Political Activity and the Political Reform Act" strongly recommended that this rule be extended to electronic mail. We propose amending Regulation 18435 to require sender identification on mass campaign emails sent by candidates or committees.

Although they share the same definition of “mass mailing,” the statutory provision requiring sender identification of the candidate or committee name on mass mailings in Section 84305 is distinct from provisions of the Act prohibiting mass mailings at government expense. (Section 89001; Regulation 18901.) The change to the sender identification rule in Regulation 18435 would not result in any change to the current restrictions on mass mailings at government expense, which do not cover email messages because they are not a tangible item.

### **3. Estimating In-Kind Contributions on 24-hour Reports -- Amend Regulations 18425 and 18539.**

All candidates and committees must file 24-hour reports of contributions made and received during the 16 days before an election and state candidates must file 24-hour reports of contributions received during the 90 days before a state election. (Sections 84302 and 85309.) Regulation 18425 permits candidates and committees making or receiving contributions during the 24-hour reporting period 16 days before an election to estimate late non-monetary contributions. This is helpful for example, if a union or a Chamber of Commerce is doing phone banking for a candidate during the 16 days before the election. Instead of filing 24-hour reports every day before the election, the committee or candidate may file one report estimating the total amount of non-monetary contributions that will be received during the period.

Permission to estimate late non-monetary contributions made during the 24-hour reporting period currently only applies to the 16 days before the election under Section 84203 and 84203.5. The ability to estimate late non-monetary contributions should also apply to contributions received by state candidates during the 90 days prior to an election under Section 85309. We also propose consolidating the two 24-hour contribution reporting regulations into one.

### **4. Report Cumulative Amounts on 24-Hour Independent Expenditure Reports – Amend Regulation 18550.**

Staff proposes requiring the cumulative total a committee or entity has spent in independent expenditures on a candidate or measure to be displayed on the 24-hour independent expenditure reports, in addition to the amount of the most recent independent expenditure. The 24-hour reports are filed on a transaction-by-transaction basis, and report isolated independent expenditures as they are made. Third parties who are interested in tracking independent expenditures must add the amounts spent on successive reports together to get the total independent expenditures by a committee or entity on a particular candidate or measure. Requiring the cumulative total on the 24-hour independent expenditure report would not be a burden on filers who have this information at their fingertips, but would be a great benefit to the public viewing these reports.